THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20667 of 1996

Dated:29.06.2007

Between:

K.Satyanarayana, S/o.Venkata Narasaiah.

…Petitioner

and

The Joint Collector, Medak District,
At Sanga Reddy, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20667 of 1996

ORDER:

This Writ Petition is filed assailing the notice dated 30.08.1996 issued by the Mandal Revenue Officer, Siddipet (now redesignated as Tahasildar), to the petitioner calling upon him to show cause as to why the assignment/patta certificate issued in his favour should not be cancelled for contravention of the conditions of patta. The Writ Petition was dismissed by this Court for default/non-prosecution on 24.01.2006. The petitioner then moved an application to set aside the default order. The default order has been set aside today, and the matter is taken up for final hearing.

It is the case of the petitioner that he belongs to backward class community. Though he ekes out livelihood as goldsmith, due to gold control imposed, he could not carry on the avocation. Therefore, he applied to the revenue authorities for grant of patta for agricultural land admeasuring Acs.3.00 in Survey No.968 situated at Mittapally Village of Siddipet Mandal in Medak District. By proceedings dated 10.10.1975, the third respondent granted patta. In 1982 and 1993 action was initiated against the petitioner for cancellation of patta on the ground that he failed to bring the land into cultivation. However, no orders were passed resuming the land. Yet again on 30.08.1996 the impugned notice was issued alleging that as per the records available in the Mandal Revenue Officer's Office, the petitioner has not brought the land into cultivation, and therefore, he violated the conditions as

laid down in G.O.Ms.No.1406, dated 25.07.1958. The petitioner submitted explanation on 17.09.1996. Even before any orders were passed, the petitioner filed the present Writ Petition alleging that if the third respondent is allowed to proceed further, it is likely to lead to further litigation.

Respondents have not filed a counter affidavit. However, learned Assistant Government Pleader submits that as the impugned order is a show cause notice, a Writ Petition would not lie. This Court accepts the submission of the learned Assistant Government Pleader. It is well settled that against a show cause notice, a Writ Petition would not lie. Now that the petitioner has already submitted explanation on 17.09.1996, the third respondent shall give an opportunity to the petitioner of being heard, and pass necessary orders within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

29.06.2007
vs